

## REMARKS

New claims 21 through 24 are now in the case. Claim 1 has been cancelled and claims 2 through 20 now depend from claim 21, either directly or indirectly.

Claim 21 calls for a method of using a system that includes the step of providing a user description scheme containing user preference data for a predetermined user and for selecting media such as an image video or audio based upon an interaction of the user description scheme with either the system description scheme or the program description scheme. Claim 22 calls for the user description scheme to be portable between systems and claim 23 calls for the user description scheme to be contained in a portable data storage medium. Claim 24 calls for the user description scheme to include a user's viewing history or listening history.

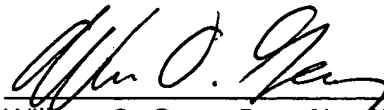
The Examiner relied upon Gagnon *et al.* in rejecting the original claims. In view of the amendments to the application herein, Gagnon is no longer applicable. Specifically, Gagnon does not teach a user preference scheme that interacts with either a programming scheme or a system description scheme to select video, audio or an image. Further, Gagnon nowhere teaches that a user description scheme may be portable between systems or that it may be imbedded in a portable storage medium.

Gagnon does not show a user preference scheme having user preference data. The SDP+ record cited by the Examiner is merely a file that contains the IP address of the owner/creator of the record and other data that is broadcast to the subscriber. It is a service provided by the broadcaster to customers to highlight areas chosen by the broadcaster (column 34, lines 37-54). No selection of any video, audio or image is made by the interaction of the SDP record with the graphical user interface taught by Gagnon. It merely alters the content of the graphical user interface. Further, no suggestion at all appears in Gagnon of making the user preference scheme portable in any way.

Claims 21 through 24 and original dependent claims 2 through 20 are therefore believed to define patentable subject matter and immediate allowance of all pending claims

is therefore requested.

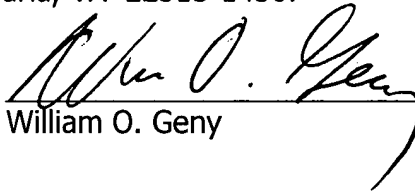
Respectfully submitted,



William O. Geny, Reg. No. 27,444  
Tel No.: (503) 227-5631

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Dated: August 6, 2004

William O. Geny